

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration.

As noted in the last response, Applicants have not received a copy of the initialed PTO-1449 form submitted with the Information Disclosure Statement filed on April 2, 2001. Consideration and receipt of the initialed PTO-1449 form submitted with the Information Disclosure Statement on April 2, 2001 is respectfully requested.

Claim 4 now includes a period. Claim 34 is amended to specifically state that the claimed network node is for use in an access network. In other words, claim 34 is directed to the node itself and does not claim the access network. Claim 42 claims the access network with the node of claim 34. Claims 34 and 42 are different claims. Withdrawal of the objections to the claims is respectfully requested.

The Examiner questions whether the priority claim is supported. Specifically, the Examiner invites Applicants to show where there is support in the provisional applications for three features: (1) "determining one or more subscriber unit connections affected by the detected failure," (2) "sending a message identifying the one or more radio unit connections affected by the failure," and (3) "sending a message identifying the failed device to one or more other nodes." Examples of support for these three features from the provisional application filed on February 18, 2000 ("the provisional") are quoted below. Italics have been added to assist the Examiner.

First, the provisional acknowledges the problem to which these three features are directed to:

"Accordingly, the alternatives described above fail to keep in tact those RABs unaffected by a partial failure without causing a significant "release" signalling load on the radio network. This is

because the current mechanisms for releasing RABs do not take into account that there may be a partial failure in the node. The invention overcomes these drawbacks." (See page 7 of the provisional.)

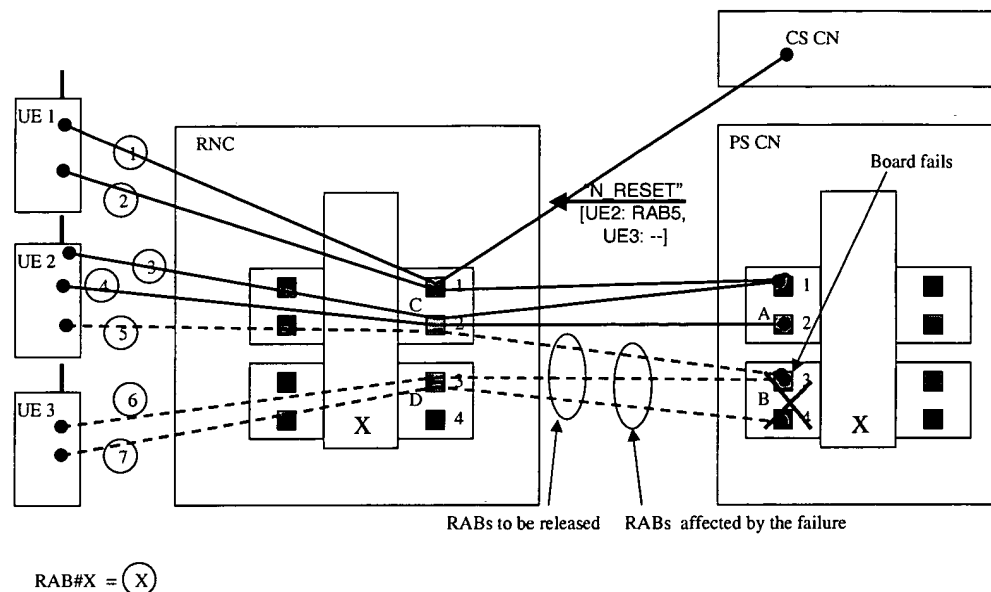
Second, all three features are clearly and sufficiently described when read in the context of the entire provisional application by a person of ordinary skill in the art. For example, the provisional application explicitly incorporates by reference an entire 3GPP specification: "For example, certain messages from the 3G TS 25.413 UTRAN Iu Interface RANAP Signalling standard (incorporated herein by reference in its entirety) may be employed." See page 5 of the provisional. A copy of that 3G specification was submitted in the information disclosure statement filed on February 8, 2001. That standard incorporated by reference provides many example details relating to RANAP messages and messaging formats.

Regarding features (1) and (2), the provisional states (*italics added for emphasis*):

- "*A message (or messages) is provided that identifies only those RABs affected by the partial failure.*" Page 7.
- "*The message is sent to a peer node when a partial failure occurs and includes a list of UE identifiers (e.g., IMSIs) for UEs affected by the partial failure.*" Page 8.
- "*Associated with each UE identifier is a list of those RABs (e.g., identified by RAB IDs) affected by the partial failure.*" Page 8.
- "In the example shown in figure 9, board B fails. *Since UE2 (RAB5) and UE3 (RAB6 and RAB7) are affected, the PS CN sends a message "N_RESET" to the RNC that identifies these RABs.* These RABs are then released. Since both RABs of UE3 (i.e. RAB6 and RAB7) are affected, the RAB IDs need not be sent to the

RNC to be released. Because RAB3 and RAB4 of UE2 are not affected, they are not released. RABs 1 and 2 for UE1 also remain intact." Page 8.

The Examiner's attention is also directed to Figure 9 from the provisional reproduced below which corresponds to Figure 11 in the regular application.



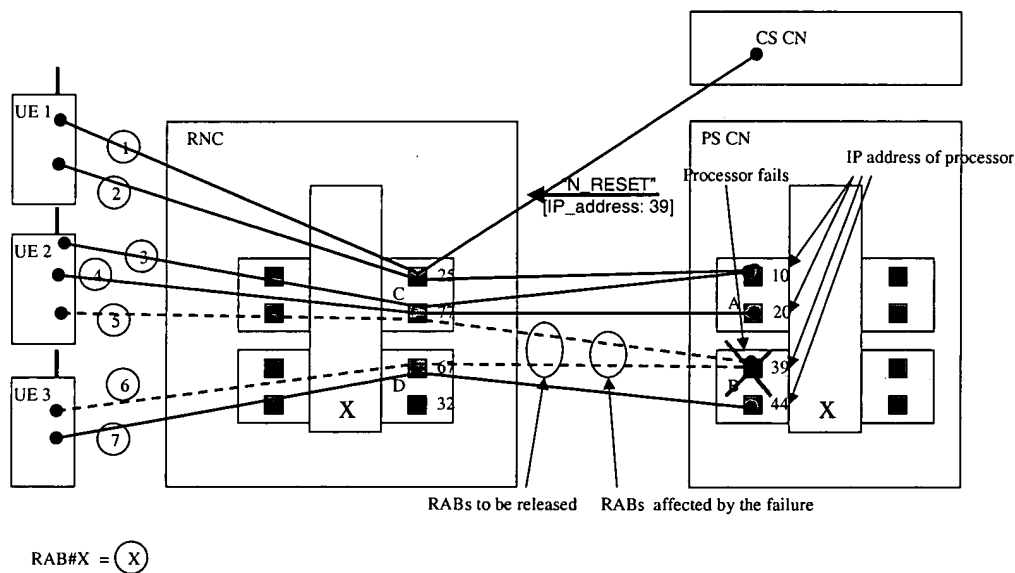
"Figure 9. Only affected RABs of affected UEs are released."

Regarding feature (3), the provisional states on page 7 (*italics added*):

- "If a partial failure, e.g., a board crash, occurs in a node, the following is a possible solution to the problem: *A new message e.g. "N_RESET", is introduced to indicate a partial failure in a node.* "
- "Another solution uses the *IP address of the failed device*. In IP-capable nodes in the UMTS system, a separate IP address may be assigned for each device, e.g. a processor, that handles packet data traffic. When an RAB is set up, the IP address of the allocated device (e.g., processor) is sent to the peer node. The peer node then sends the traffic of the associated RAB to this IP address." Page 9.

- "Referring to the example shown in Figure 10 below, if the processor (IP address 39) fails, the PS CN node can *send a message to RNC with the IP address of the failed processor. The RNC then releases all RABs associated with this IP address.*" Page 9.

See also Figure 10 reproduced below from the provisional (corresponding to Figure 11 in the regular application). The figure clearly shows a message identifying the failed device 39 in an N RESET message.



"Figure 10. Only affected RABs of affected UEs are released"

Accordingly, the provisional clearly provides support for the claim features identified by the Examiner. Applicants respectfully request that the Examiner confirm that Applicants are entitled to the priority benefit.

All of the claims 1-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by commonly-assigned U.S. Patent 6,775,542 to Vilander. This rejection is respectfully traversed.

First, Vilander is not prior art to the instant claims. The instant application claims and is entitled to priority under 35 U.S.C. §119(e). The provisional application filing date is

February 18, 2000 which is before the April 13, 2000 filing date of Vilander. Hence, this rejection should be withdrawn.

Second, even if Vilander is considered to be prior art, it does not teach all of the features recited in the claims. To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986).

Vilander describes recovering from a processor fault by relocating user plane connections to another processor based on connection priority. But Vilander does not disclose sending a message that identifies subscriber connections affected by a detected failure in a node. The Examiner contends that the claimed message is disclosed at column 5, line 64-column 6, line 49. Applicants disagree. The only mention of a message in this text is a regular "message or signal" that a processor sends "to the resource handler indicating that the processor is working properly." Column 5, lines 65-66. This message is simply used to determine whether a "processor has failed." Column 6, line 3. It does not identify specific connections affected by a failure in a node.

Regarding claim 15, the Examiner again cites to the same Vilander passages referred to for claim 1. But these references do not describe sending "a message identifying the failed device to one or more other nodes" or "the one or more nodes releas[ing] radio subscriber unit connections associated with the identified failed device." The only mention of a message in Vilander is, as explained above, in Column 5, lines 65-66. This message is simply used to

determine whether a "processor has failed." Column 6, line 3. So the claimed message is missing.


Nor does Vilander disclose the features of the dependent claims. However, lacking multiple features of the rejected independent claims, there is no need to specifically address the deficiencies of the dependent claim rejections.

The rejection should be withdrawn. The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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